

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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First Assistant U.S. Attorney

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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 01-00382 DAE
)	
Plaintiff,)	FIRST SUPERSEDING
)	INDICTMENT
vs.)	
)	
PACKWARD KALEILANI TOELUPE, (01),)	[18 U.S.C. §§ 2,
aka "Pupi,")	924(c)(1); 21 U.S.C. §§
LUIS C. DOMINGO, (02),)	841(a)(1), 853, 846,
aka "Luis Frances Domingo,")	848(a)]
IOSEFO NOFO SAGOTE, (03),)	
aka "Nofo,")	
LANCELOT NICK BARTLEY, (04),)	
aka "Nick,")	
TIPASA ESE SAGOTE, JR., (05),)	
aka "Ace,")	
PEROSI NIUMATA, JR., (06),)	
aka "Junior,")	
PATRICK RIBUCA, (07),)	
)	
Defendants.)	

FIRST SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges that:

From on or about a date unknown, but from at least September 1, 1996, to on or about September 7, 2001, in the District of Hawaii and elsewhere, PACKWARD KALEILANI TOELUPE, aka "Pupi," defendant herein, unlawfully, knowingly and intentionally did engage in a continuing criminal enterprise in that he did violate Title 21, United States Code, Sections 841(a)(1) and 846, which violations were part of a continuing series of violations of said statutes undertaken by said defendant in concert with at least five other persons, with respect to whom the defendant occupied a position of organizer, supervisor, and manager, and from which continuing series of violations that defendant obtained substantial income and resources.

All in violation of Title 21, United States Code, Section 848(a).

COUNT 2

The Grand Jury further charges that:

From a date unknown, but from at least September 1, 1996, to on or about September 7, 2001, within the District of Hawaii and elsewhere, PACKWARD KALEILANI TOELUPE, aka "Pupi," LUIS C. DOMINGO, aka "Luis Frances Domingo," IOSEFO NOFO SAGOTE, aka "Nofo," LANCELOT NICK BARTLEY, aka "Nick," TIPASA ESE SAGOTE, JR., aka "Ace," PEROSI NIUMATA, JR., aka "Junior," and PATRICK

RIBUCA, defendants herein, did conspire with each other, and others unknown to the Grand Jury, to knowingly and intentionally possess with intent to distribute and distribute in excess of 50 grams of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

MANNER AND MEANS OF ACCOMPLISHING THE CONSPIRACY

1. The methamphetamine distribution organization consisted of the named defendants and others. Some of the named defendants provided the methamphetamine, while other defendants supported the organization by distributing the methamphetamine within the State of Hawaii.

2. Throughout the period of the conspiracy, PACKWARD KALEILANI TOELUPE, aka "Pupi," obtained methamphetamine from others in California.

3. Once the methamphetamine was ready for transport, PACKWARD KALEILANI TOELUPE, aka "Pupi," and others would receive the methamphetamine in California and transport the drugs either on their persons or secreted in parcels to Hawaii via parcel service businesses.

4. Once in Hawaii, the drugs would then be "washed" or purified at various "safe houses." The location of these "safe houses" would only be known to PACKWARD KALEILANI TOELUPE, aka "Pupi," and PEROSI NIUMATA, JR., aka "Junior." The methamphetamine, commonly referred to as "ice," would then be re-

distributed by PACKWARD KALEILANI TOELUPE, aka "Pupi," to LUIS C. DOMINGO, aka "Luis Frances Domingo," IOSEFO NOFO SAGOTE, aka "Nofo," LANCELOT NICK BARTLEY, aka "Nick," TIPASA ESE SAGOTE, JR., aka "Ace," PEROSI NIUMATA, JR., aka "Junior," PATRICK RIBUCA, and others.

5. LUIS C. DOMINGO, aka "Luis Frances Domingo," IOSEFO NOFO SAGOTE, aka "Nofo," LANCELOT NICK BARTLEY, aka "Nick," TIPASA ESE SAGOTE, JR., aka "Ace," PEROSI NIUMATA, JR., aka "Junior," PATRICK RIBUCA, and others would collect the cash proceeds from the sale of the methamphetamine and deliver this money to PACKWARD KALEILANI TOELUPE, aka "Pupi."

OVERT ACTS

In furtherance of the conspiracy and to accomplish the objects thereof, the following overt acts were committed in the District of Hawaii and elsewhere by members of the conspiracy:

1) On or about October 24, 2000, IOSEFO NOFO SAGOTE, aka "Nofo," sold to another person an 1/8 of an ounce of "ice" in exchange for \$700 in cash.

2) On or about October 27, 2000, IOSEFO NOFO SAGOTE, aka "Nofo," sold to another person two 1/8 of an ounce of "ice" in exchange for \$1,400 in cash.

3) On or about October 30, 2000, LANCELOT NICK BARTLEY, aka "Nick," sold to another person an 1/8 of an ounce of "ice" in exchange for \$650 in cash.

4) On or about November 1, 2000, LANCELOT NICK BARTLEY, aka "Nick," sold to another person two 1/8 of an ounce of "ice" in exchange for \$1,400 in cash.

5) On or about November 8, 2000, LANCELOT NICK BARTLEY, aka "Nick," and TIPASA ESE SAGOTE, JR., aka "Ace," attempted to sell one ounce of "ice" to another person.

6) On or about November 13, 2000, TIPASA ESE SAGOTE, JR., aka "Ace," attempted to sell two 1/8 of an ounce of "ice" to another person.

7) On or about November 15, 2000, TIPASA ESE SAGOTE, JR., aka "Ace," attempted to sell two 1/8 of an ounce of "ice" to another person.

8) On or about February 13, 2001, LUIS C. DOMINGO, aka "Luis Frances Domingo," sold to another person two 1/8 of an ounce of "ice" in exchange for \$1,400 in cash.

9) On or about April 12, 2001, LUIS C. DOMINGO, aka "Luis Frances Domingo," sold to another person 1/10 of an ounce of "ice" in exchange for \$200 in cash.

10) On or about April 12, 2001, LUIS C. DOMINGO, aka "Luis Frances Domingo," sold to another person two 1/8 of an ounce of "ice" in exchange for \$900 in cash.

11) On or about June 12, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," through the use of the telephone, discussed with LUIS C. DOMINGO, aka "Luis Frances Domingo," the collection

of money and how the money was going to get to PACKWARD KALEILANI TOELUPE, aka "Pupi."

12) On or about June 12, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," through the use of the telephone, discussed with another person the exchange of one ounce of "ice" in exchange for a \$5,000 outstanding debt owed to PACKWARD KALEILANI TOELUPE, aka "Pupi."

13) On or about June 14, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," through the use of the telephone, discussed with LUIS C. DOMINGO, aka "Luis Frances Domingo," the collection of money from PATRICK RIBUCA and how the money was going to get to PACKWARD KALEILANI TOELUPE, aka "Pupi." PACKWARD KALEILANI TOELUPE, aka "Pupi," also instructed LUIS C. DOMINGO, aka "Luis Frances Domingo," to prepare a 1/4 of gram of "ice" for PACKWARD KALEILANI TOELUPE, aka "Pupi."

14) On or about June 16, 2001, LUIS C. DOMINGO, aka "Luis Frances Domingo," sold to another person 1/4 of a gram of "ice" in exchange for \$50 in cash.

15) On or about June 16, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," through the use of the telephone, instructed PEROSI NIUMATA, JR., aka "Junior," to drive to his location and pick him up.

16) On or about June 17, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," through the use of the telephone, informed

LUIS C. DOMINGO, aka "Luis Frances Domingo," that any unaccounted monies would come out of LUIS C. DOMINGO's, aka "Luis Frances Domingo," profits.

17) On or about June 18, 2001, LUIS C. DOMINGO, aka "Luis Frances Domingo," sold to another person 0.3 grams of "ice" in exchange for \$200 in cash.

18) On or about June 26, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," through the use of the telephone, discussed with LUIS C. DOMINGO, aka "Luis Frances Domingo," IOSEFO NOFO SAGOTE, aka "Nofo," and PATRICK RIBUCA the collection of money and how the money was going to get to PACKWARD KALEILANI TOELUPE, aka "Pupi."

19) On or about June 29, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," through the use of the telephone, discussed with LUIS C. DOMINGO, aka "Luis Frances Domingo," the collection of money from PATRICK RIBUCA and how the money was going to get to PACKWARD KALEILANI TOELUPE, aka "Pupi."

20) On or about July 1, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," through the use of the telephone, instructed LUIS C. DOMINGO, aka "Luis Frances Domingo," what to charge for particular amounts of methamphetamine.

21) On or about July 3, 2001, LUIS C. DOMINGO, aka "Luis Frances Domingo," through the use of the telephone,

discussed with PEROSI NIUMATA, JR., aka "Junior," their supply or quantity of drugs available.

22) On or about July 7, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," through the use of the telephone, discussed with LUIS C. DOMINGO, aka "Luis Frances Domingo," the collection of money from TIPASA ESE SAGOTE, JR., aka "Ace," and how the money was going to get to PACKWARD KALEILANI TOELUPE, aka "Pupi."

23) On or about July 27, 2001, LUIS C. DOMINGO, aka "Luis Frances Domingo," sold to another person two 1/8 of an ounce of "ice" in exchange for \$800 in cash.

24) On or about July 31, 2001, LUIS C. DOMINGO, aka "Luis Frances Domingo," sold to another person two 1/8 of an ounce of "ice" in exchange for \$800 in cash.

25) On or about August 2, 2001, PEROSI NIUMATA, JR., aka "Junior," through the use of the telephone, discussed with another person the collection of money prior to a drug transaction.

26) On or about September 7, 2001, PACKWARD KALEILANI TOELUPE, aka "Pupi," maintained a storage facility in Pearl City, Hawaii which contained approximately 25 pounds of methamphetamine, \$50,000 in U.S. currency, and 32 firearms.

All in violation of Title 21, United States Code, Section 846.

COUNT 3

The Grand Jury further charges that:

On or about October 24, 2000, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and IOSEFO NOFO SAGOTE, aka "Nofo," as aiders and abettors, did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 4

The Grand Jury further charges that:

On or about October 27, 2000, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and IOSEFO NOFO SAGOTE, aka "Nofo," as aiders and abettors, did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 5

The Grand Jury further charges that:

On or about October 30, 2000, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and LANCELOT NICK BARTLEY, aka "Nick," as aiders and abettors, did knowingly and

intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 6

The Grand Jury further charges that:

On or about November 1, 2000, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and LANCELOT NICK BARTLEY, aka "Nick," as aiders and abettors, did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 7

The Grand Jury further charges that:

On or about November 8, 2000, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," TIPASA ESE SAGOTE, JR., aka "Ace," and LANCELOT NICK BARTLEY, aka "Nick," as aiders and abettors, did knowingly and intentionally attempt to possess with intent to distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Section 2.

COUNT 8

The Grand Jury further charges that:

On or about November 13, 2000, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and TIPASA ESE SAGOTE, JR., aka "Ace," as aiders and abettors, did knowingly and intentionally attempt to possess with intent to distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Section 2.

COUNT 9

The Grand Jury further charges that:

On or about November 15, 2000, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and TIPASA ESE SAGOTE, JR., aka "Ace," as aiders and abettors, did knowingly and intentionally attempt to possess with intent to distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Section 2.

COUNT 10

The Grand Jury further charges that:

On or about February 13, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and LUIS C.

DOMINGO, aka "Luis Frances Domingo," as aiders and abettors, did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 11

The Grand Jury further charges that:

On or about April 12, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and LUIS C. DOMINGO, aka "Luis Frances Domingo," as aiders and abettors, did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 12

The Grand Jury further charges that:

On or about April 12, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and LUIS C. DOMINGO, aka "Luis Frances Domingo," as aiders and abettors, did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 13

The Grand Jury further charges that:

On or about June 16, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and LUIS C. DOMINGO, aka "Luis Frances Domingo," as aiders and abettors, did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 14

The Grand Jury further charges that:

On or about June 18, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and LUIS C. DOMINGO, aka "Luis Frances Domingo," as aiders and abettors, did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 15

The Grand Jury further charges that:

On or about July 27, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and LUIS C. DOMINGO, aka "Luis Frances Domingo," as aiders and abettors, did knowingly and

intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 16

The Grand Jury further charges that:

On or about July 31, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," and LUIS C. DOMINGO, aka "Luis Frances Domingo," as aiders and abettors, did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 17

The Grand Jury further charges that:

On or about August 10, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," did knowingly and intentionally possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 18

The Grand Jury further charges that:

On or about August 10, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," did knowingly and intentionally possess with intent to distribute and distribute in excess of five grams of methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 19

The Grand Jury further charges that:

On or about August 15, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," did knowingly and intentionally possess with intent to distribute and distribute in excess of five grams of methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 20

The Grand Jury further charges that:

On or about August 23, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," did knowingly and intentionally possess with intent to distribute and distribute in

excess of five grams of methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 21

The Grand Jury further charges that:

On or about September 7, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," did knowingly and intentionally possess with intent to distribute methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 22

The Grand Jury further charges that:

On or about September 7, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," LUIS C. DOMINGO, aka "Luis Frances Domingo," IOSEFO NOFO SAGOTE, aka "Nofo," LANCELOT NICK BARTLEY, aka "Nick," TIPASA ESE SAGOTE, JR., aka "Ace," PEROSI NIUMATA, JR., aka "Junior," and PATRICK RIBUCA, as aiders and abettors, did knowingly and intentionally possess with intent to distribute in excess of 50 grams, to wit, approximately 26 pounds of methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 23

The Grand Jury further charges that:

From a date unknown, but from at least September 1, 1996, to on or about September 7, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," LUIS C. DOMINGO, aka "Luis Frances Domingo," IOSEFO NOFO SAGOTE, aka "Nofo," LANCELOT NICK BARTLEY, aka "Nick," and TIPASA ESE SAGOTE, JR., aka "Ace," did knowingly and intentionally use firearms, to wit, a:

1. SGW 5.56 caliber, Model CAR-AR rifle, serial number F7949,
2. Norinco rifle, Model Sporter Mak-90, serial number 9430505,
3. Colt rifle .223 caliber Sporter Match H-bar, serial number MH071361,
4. Ruger rifle, Model Mini 30 caliber 7.62 x 39 mm., serial number 189-42455,
5. Mossberg shotgun, 12 gauge Model 500A, serial number K-449484,
6. Beretta shotgun, 12 gauge Model 1201 FP, serial number A-22039L,
7. Mossberg shotgun, .410 gauge with pistol grip, Model 500E, serial number K-449484,
8. Starfire pistol, 9mm. Model 30MI, serial number 1831694,
9. Remington shotgun, 12 gauge with sling & stock, Model 870 Magnum, serial number W591525M,
10. Noringco rifle, 7.62 x 39 mm., Model MAK90, serial number 9341929,

11. Heckler & Koch rifle, Model 91, caliber 7.62 x 57 mm., serial number A-052248,
12. Beretta pistol, Model 92 F caliber 9 mm. Parabellum, serial number BER-0505332,
13. Colt pistol, .45 ACP Model Gold Cup National Match Commander, serial number GCC1509,
14. Carbine rifle, Inland Div Model M-1, .30 Carbine caliber, serial number 6432447,
15. Winchester shotgun, Model Defender 12 gauge, serial number L2084709,
16. SWD Cobray pistol 9 mm. Model M-11/Nine, serial number 86-0017071,
17. Browning pistol, 9 mm. Model High Power, serial number (obliterated)
18. Colt pistol, .45 ACP Model 1911Ai Government Model, serial number NM7791435,
19. Smith & Wesson pistol, 9 mm. Model 5906, serial number TVA 0448
20. Smith & Wesson pistol, 9 mm. Model 5906, serial number TVB 8764,
21. Smith & Wesson pistol, 9 mm. Model 5906, serial number TEZ 9714,
22. Ruger revolver Model Police Service Six .357 Magnum, serial number 161-05294,
23. Smith & Wesson revolver, Model 60, .38 Spl. Caliber, serial number ALU 3853,
24. FIE revolver, .38 SPL Model Standard, serial number ST36181,
25. Glock pistol, .45 ACP, Model 21, serial number XL393US,
26. Uzi pistol, 9 mm. Para Model Micro, serial number UP16983,

27. Browning pistol, 9 mm. Model Hi-Power, serial number 245PN63464,
28. Ruger revolver, .38 SPL Model SP101, serial number 570-06455,
29. Essex Arms Corp pistol, Model 1911A1, serial number 33141,
30. Colt revolver, .38 SPL Model Detective Special, serial number 18296M,
31. Taurus pistol, .380 ACP Model PT 58S, serial number KJL43169,
32. Browning 9 mm., serial number 72C66511, and
33. Smith & Wesson .38 revolver, serial number BPF0197,

during and in relation to the drug trafficking crime as charged in Count 2 of this Superseding Indictment, which is realleged and incorporated by reference herein. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 24

The Grand Jury further charges that:

From a date unknown, but from at least September 1, 1996, to on or about September 7, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," LUIS C. DOMINGO, aka "Luis Frances Domingo," IOSEFO NOFO SAGOTE, aka "Nofo," LANCELOT NICK BARTLEY, aka "Nick," and TIPASA ESE SAGOTE, JR., aka "Ace," did knowingly and intentionally possess firearms, to wit, a:

1. SGW 5.56 caliber, Model CAR-AR rifle, serial number F7949,

2. Norinco rifle, Model Sporter Mak-90, serial number 9430505,
3. Colt rifle .223 caliber Sporter Match H-bar, serial number MH071361,
4. Ruger rifle, Model Mini 30 caliber 7.62 x 39 mm., serial number 189-42455,
5. Mossberg shotgun, 12 gauge Model 500A, serial number K-449484,
6. Beretta shotgun, 12 gauge Model 1201 FP, serial number A-22039L,
7. Mossberg shotgun, .410 gauge with pistol grip, Model 500E, serial number K-449484,
8. Starfire pistol, 9mm. Model 30MI, serial number 1831694,
9. Remington shotgun, 12 gauge with sling & stock, Model 870 Magnum, serial number W591525M,
10. Norinco rifle, 7.62 x 39 mm., Model MAK90, serial number 9341929,
11. Heckler & Koch rifle, Model 91, caliber 7.62 x 57 mm., serial number A-052248,
12. Beretta pistol, Model 92 F caliber 9 mm. Parabellum, serial number BER-0505332,
13. Colt pistol, .45 ACP Model Gold Cup National Match Commander, serial number GCC1509,
14. Carbine rifle, Inland Div Model M-1, .30 Carbine caliber, serial number 6432447,
15. Winchester shotgun, Model Defender 12 gauge, serial number L2084709,
16. SWD Cobray pistol 9 mm. Model M-11/Nine, serial number 86-0017071,
17. Browning pistol, 9 mm. Model High Power, serial number (obliterated)

18. Colt pistol, .45 ACP Model 1911Ai Government Model, serial number NM7791435,
19. Smith & Wesson pistol, 9 mm. Model 5906, serial number TVA 0448
20. Smith & Wesson pistol, 9 mm. Model 5906, serial number TVB 8764,
21. Smith & Wesson pistol, 9 mm. Model 5906, serial number TEZ 9714,
22. Ruger revolver Model Police Service Six .357 Magnum, serial number 161-05294,
23. Smith & Wesson revolver, Model 60, .38 Spl. Caliber, serial number ALU 3853,
24. FIE revolver, .38 SPL Model Standard, serial number ST36181,
25. Glock pistol, .45 ACP, Model 21, serial number XL393US,
26. Uzi pistol, 9 mm. Para Model Micro, serial number UP16983,
27. Browning pistol, 9 mm. Model Hi-Power, serial number 245PN63464,
28. Ruger revolver, .38 SPL Model SP101, serial number 570-06455,
29. Essex Arms Corp pistol, Model 1911A1, serial number 33141,
30. Colt revolver, .38 SPL Model Detective Special, serial number 18296M,
31. Taurus pistol, .380 ACP Model PT 58S, serial number KJL43169,
32. Browning 9 mm., serial number 72C66511, and
33. Smith & Wesson .38 revolver, serial number BPF0197,

in furtherance of drug trafficking crime as charged in Count 2 of this Superseding Indictment, which is realleged and incorporated by reference herein. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 25

The Grand Jury further charges that:

On or about September 7, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," did knowingly and intentionally possess a firearm, to wit, a short-barreled Israeli Military Industries Uzi carbine, Model A, bearing serial number SA04153, in furtherance of a drug trafficking crime as charged in Count 2 of this Superseding Indictment, which is realleged and incorporated by reference herein. All in violation of Title 18, United States Code, Section 924(c)(1)(B)(i).

COUNT 26

The Grand Jury further charges that:

On or about September 7, 2001, in the District of Hawaii, PACKWARD KALEILANI TOELUPE, aka "Pupi," did knowingly and intentionally possess a firearm, to wit, a SWD semi-automatic pistol, Cobray Model M-11, 9mm caliber, bearing serial number 86-001701, equipped with a silencer, in furtherance of a drug trafficking crime as charged in Count 2 of this Superseding Indictment, which is realleged and incorporated by reference

herein. All in violation of Title 18, United States Code, Section 924(c)(1)(B)(ii).

COUNT 27

The Grand Jury further charges that:

A. In committing the offense alleged in Count 2 of the First Superseding Indictment, such offense being punishable by imprisonment for more than one year, PACKWARD KALEILANI TOELUPE, aka "Pupi," LUIS C. DOMINGO, aka "Luis Frances Domingo," IOSEFO NOFO SAGOTE, aka "Nofo," LANCELOT NICK BARTLEY, aka "Nick," and TIPASA ESE SAGOTE, JR., aka "Ace," shall forfeit to the United States any and all property constituting or derived from any proceeds which any of them obtained, directly or indirectly, as a result of the offense alleged in Count 2, and/or any and all property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of the offenses alleged in Count 2, including but not limited to the following property:

- (1) A sum of money equal to \$4,000,000 in United States currency representing the amount of proceeds obtained as a result of the offense charged in Count 2, for which the defendants are jointly and severally liable.
- (2) A sum of money equal to \$50,020.00 in United States currency representing the amount of proceeds seized from Defendant Packward Kaleilani Toelupe's storage facility on September 7, 2001.

B. If any of the above-described forfeitable property, as a result of any act or commission of the defendants

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- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 841(a)(1), 846, and 853.

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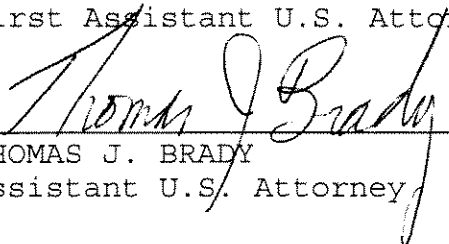
DATED: 2/14/02, at Honolulu, Hawaii.

A TRUE BILL

15/
FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii


ELLIOT ENOKI
First Assistant U.S. Attorney


THOMAS J. BRADY
Assistant U.S. Attorney

United States v. Packward Kaleilani Toelupe, et al.
"First Superseding Indictment"
Cr. No. 01-00382 DAE